

EXHIBIT 1

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Attorneys for Federal Defendants and
 Defendant United States of America.

**IN THE UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**

CALIFORNIA COALITION FOR WOMEN
 PRISONERS; R.B.; A.H.R.; S.L.; J.L.; J.M.;
 G.M.; A.S.; and L.T., individuals on behalf of
 themselves and all others similarly situated,

Plaintiffs

v.

UNITED STATES OF AMERICA FEDERAL
 BUREAU OF PRISONS, et. al.,

Defendants.

CASE NO. 4:23-CV-04155

**UNITED STATES' SUPPLEMENTAL
 RESPONSE TO PLAINTIFFS' FIRST
 REQUESTS FOR PRODUCTION (NOS. 1-6)**

The United States Federal Bureau of Prisons (BOP), Colette Peters, in her official capacity as
 Director, and Charmaine Nash, in her official capacity as FCI Dublin Warden, (collectively,
 "Defendants") supplement its answer to Plaintiffs' First Set of Requests for Production of Documents to
 Defendants (Nos. 1-6) as follows:

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: All DOCUMENTS and COMMUNICATIONS
 relating to DEFENDANTS' closure of the INSTITUTION, including but not limited to DOCUMENTS
 and COMMUNICATIONS regarding the reasons for and analysis underlying DEFENDANTS' closure
 of the INSTITUTION.

1 **RESPONSE:** Defendants object because this RFP seeks discovery that is irrelevant to the issues
 2 raised in the amended complaint and subject to the pending (un-stayed) litigation, and which is unlikely
 3 to lead to the discovery of relevant evidence.

4 Defendants object because this RFP seeks discovery that is unduly burdensome and
 5 disproportional to the needs of the pending (un-stayed) litigation as framed by the amended complaint.

6 Defendants object because this RFP is untimely. Pursuant to Federal Rule of Civil Procedure
 7 26(d)(1), “[a] party may not seek discovery from any source *before* the parties have conferred as
 8 required by Rule 26(f), except in a proceeding exempted from initial disclosure under Rule 26(a)(1)(B),
 9 or when authorized by these rules, by stipulation, or by court order.” Fed. R. Civ. P. 26(d)(1) (emphasis
 10 added). This proceeding is not exempt from initial disclosures, the parties have not stipulated to any
 11 non-service-related discovery, and Plaintiffs have not sought – nor has the Court ordered – expedited
 12 discovery. *See Carter v. Jackson*, 2024 WL 2061115, at *1 (E.D. Cal. Apr. 5, 2024) (*citing Am.*
 13 *LegalNet, Inc. v. Davis*, 673 F. Supp. 2d 1063, 1066 (C.D. Cal. 2009) (explaining the good cause
 14 standard a party must show when seeking expedited discovery)). The parties met and conferred
 15 regarding a joint case management plan in this case on May 8, 2024. All written discovery propounded
 16 before this date is not authorized by the Rules of Civil Procedure, and Defendants object on that basis.

17 **SUPPLEMENTAL RESPONSE (JUNE 13, 2024):** The United States produces documents
 18 bates stamped FCI_Dublin-4155H_1.

19 **REQUEST FOR PRODUCTION NO. 2:** All DOCUMENTS and COMMUNICATIONS
 20 relating to DEFENDANTS’ future plans for the INSTITUTION.

21 **RESPONSE:** Defendants object because this RFP seeks discovery that is irrelevant to the issues
 22 raised in the amended complaint and subject to the pending (un-stayed) litigation, and which is unlikely
 23 to lead to the discovery of relevant evidence.

24 Defendants object because this RFP seeks discovery that is unduly burdensome and
 25 disproportional to the needs of the pending (un-stayed) litigation as framed by the amended complaint.

26 Defendants object because this RFP is untimely. Pursuant to Federal Rule of Civil Procedure
 27 26(d)(1), “[a] party may not seek discovery from any source *before* the parties have conferred as
 28 required by Rule 26(f), except in a proceeding exempted from initial disclosure under Rule 26(a)(1)(B),

or when authorized by these rules, by stipulation, or by court order.” Fed. R. Civ. P. 26(d)(1) (emphasis added). This proceeding is not exempt from initial disclosures, the parties have not stipulated to any non-service-related discovery, and Plaintiffs have not sought – nor has the Court ordered – expedited discovery. *See Carter v. Jackson*, 2024 WL 2061115, at *1 (E.D. Cal. Apr. 5, 2024) (*citing Am. LegalNet, Inc. v. Davis*, 673 F. Supp. 2d 1063, 1066 (C.D. Cal. 2009) (explaining the good cause standard a party must show when seeking expedited discovery)). The parties met and conferred regarding a joint case management plan in this case on May 8, 2024. All written discovery propounded before this date is not authorized by the Rules of Civil Procedure, and Defendants object on that basis.

SUPPLEMENTAL RESPONSE (JUNE 13, 2024): The United States produces documents bates stamped FCI_Dublin-4155H_2-10.

REQUEST FOR PRODUCTION NO. 3: All DOCUMENTS and COMMUNICATIONS relating to the transfer of incarcerated people housed at the INSTITUTION to other facilities, from March 15, 2024 to present, and/or in connection with DEFENDANTS’ closure of the INSTITUTION.

RESPONSE: Defendants object because this RFP seeks discovery that is irrelevant to the issues raised in the amended complaint and subject to the pending (un-stayed) litigation, and which is unlikely to lead to the discovery of relevant evidence.

Defendants object because this RFP seeks discovery that is unduly burdensome and disproportional to the needs of the pending (un-stayed) litigation as framed by the amended complaint.

Defendants object because this RFP is untimely. Pursuant to Federal Rule of Civil Procedure 26(d)(1), “[a] party may not seek discovery from any source *before* the parties have conferred as required by Rule 26(f), except in a proceeding exempted from initial disclosure under Rule 26(a)(1)(B), or when authorized by these rules, by stipulation, or by court order.” Fed. R. Civ. P. 26(d)(1) (emphasis added). This proceeding is not exempt from initial disclosures, the parties have not stipulated to any non-service-related discovery, and Plaintiffs have not sought – nor has the Court ordered – expedited discovery. *See Carter v. Jackson*, 2024 WL 2061115, at *1 (E.D. Cal. Apr. 5, 2024) (*citing Am. LegalNet, Inc. v. Davis*, 673 F. Supp. 2d 1063, 1066 (C.D. Cal. 2009) (explaining the good cause standard a party must show when seeking expedited discovery)). The parties met and conferred

1 regarding a joint case management plan in this case on May 8, 2024. All written discovery propounded
2 before this date is not authorized by the Rules of Civil Procedure, and Defendants object on that basis.

3 **REQUEST FOR PRODUCTION NO. 4:** All DOCUMENTS and COMMUNICATIONS
4 relating to DEFENDANTS' reassignment of STAFF MEMBERS to other Bureau of Prisons facilities in
5 connection with DEFENDANTS' closure of the INSTITUTION.

6 **RESPONSE:** Defendants object because this RFP seeks discovery that is irrelevant to the issues
7 raised in the amended complaint and subject to the pending (un-stayed) litigation, and which is unlikely
8 to lead to the discovery of relevant evidence.

9 Defendants object because this RFP seeks discovery that is unduly burdensome and
10 disproportional to the needs of the pending (un-stayed) litigation as framed by the amended complaint.

11 Defendants object because this RFP is untimely. Pursuant to Federal Rule of Civil Procedure
12 26(d)(1), "[a] party may not seek discovery from any source *before* the parties have conferred as
13 required by Rule 26(f), except in a proceeding exempted from initial disclosure under Rule 26(a)(1)(B),
14 or when authorized by these rules, by stipulation, or by court order." Fed. R. Civ. P. 26(d)(1) (emphasis
15 added). This proceeding is not exempt from initial disclosures, the parties have not stipulated to any
16 non-service-related discovery, and Plaintiffs have not sought – nor has the Court ordered – expedited
17 discovery. *See Carter v. Jackson*, 2024 WL 2061115, at *1 (E.D. Cal. Apr. 5, 2024) (*citing Am.*
18 *LegalNet, Inc. v. Davis*, 673 F. Supp. 2d 1063, 1066 (C.D. Cal. 2009) (explaining the good cause
19 standard a party must show when seeking expedited discovery)). The parties met and conferred

20 regarding a joint case management plan in this case on May 8, 2024. All written discovery propounded
21 before this date is not authorized by the Rules of Civil Procedure, and Defendants object on that basis.

22 **REQUEST FOR PRODUCTION NO. 5:** All organizational charts for the INSTITUTION,
23 including a list of all current STAFF MEMBERS with their names and positions.

24 **RESPONSE:** Defendants object because this RFP is vague as to the timeframe encompassing
25 "current staff members."

26 Defendants object because this RFP seeks discovery that is irrelevant to the issues raised in the
27 amended complaint and subject to the pending (un-stayed) litigation, and which is unlikely to lead to the
28 discovery of relevant evidence.

Defendants object because this RFP seeks discovery that is unduly burdensome and disproportionate to the needs of the pending (un-stayed) litigation as framed by the amended complaint.

Defendants object because this RFP is untimely. Pursuant to Federal Rule of Civil Procedure 26(d)(1), “[a] party may not seek discovery from any source *before* the parties have conferred as required by Rule 26(f), except in a proceeding exempted from initial disclosure under Rule 26(a)(1)(B), or when authorized by these rules, by stipulation, or by court order.” Fed. R. Civ. P. 26(d)(1) (emphasis added). This proceeding is not exempt from initial disclosures, the parties have not stipulated to any non-service-related discovery, and Plaintiffs have not sought – nor has the Court ordered – expedited discovery. *See Carter v. Jackson*, 2024 WL 2061115, at *1 (E.D. Cal. Apr. 5, 2024) (*citing Am. LegalNet, Inc. v. Davis*, 673 F. Supp. 2d 1063, 1066 (C.D. Cal. 2009) (explaining the good cause standard a party must show when seeking expedited discovery)). The parties met and conferred regarding a joint case management plan in this case on May 8, 2024. All written discovery propounded before this date is not authorized by the Rules of Civil Procedure, and Defendants object on that basis.

SUPPLEMENTAL RESPONSE (JUNE 13, 2024): The United States produces documents bates stamped FCI_Dublin-4155H_11-36.

REQUEST FOR PRODUCTION NO. 6: All DOCUMENTS and COMMUNICATIONS submitted to the Court in camera during this ACTION, including DOCUMENTS and COMMUNICATIONS submitted to the Court in camera during the January 2024 evidentiary hearings, regardless of whether the DEFENDANTS relied on those DOCUMENTS and COMMUNICATIONS in their post-hearing briefing.

RESPONSE: Defendants object because these documents are already in Plaintiffs’ counsels’ possession.

Defendants object because this RFP is untimely. Pursuant to Federal Rule of Civil Procedure 26(d)(1), “[a] party may not seek discovery from any source *before* the parties have conferred as required by Rule 26(f), except in a proceeding exempted from initial disclosure under Rule 26(a)(1)(B), or when authorized by these rules, by stipulation, or by court order.” Fed. R. Civ. P. 26(d)(1) (emphasis added). This proceeding is not exempt from initial disclosures, the parties have not stipulated to any non-service-related discovery, and Plaintiffs have not sought – nor has the Court ordered – expedited

1 discovery. *See Carter v. Jackson*, 2024 WL 2061115, at *1 (E.D. Cal. Apr. 5, 2024) (*citing Am.*
2 *LegalNet, Inc. v. Davis*, 673 F. Supp. 2d 1063, 1066 (C.D. Cal. 2009) (explaining the good cause
3 standard a party must show when seeking expedited discovery)). The parties met and conferred
4 regarding a joint case management plan in this case on May 8, 2024. All written discovery propounded
5 before this date is not authorized by the Rules of Civil Procedure, and Defendants object on that basis.

6 DATED this 13th day of June, 2024.

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CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of June, 2024, a copy of the foregoing document was served on the following person by the following means.

☐ CM/ECF
☐ Hand Delivery
☐ U.S. Mail
☐ USAfx
☒ E-Mail

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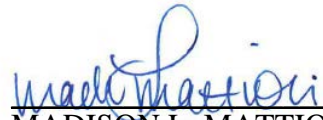
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